

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
EUGENE DIVISION**

**HASHEEM BOUDJERADA;
KELSIE LEITH-BOWDEN;
DAMON COCHRAN-SALINAS;
ERIN GRADY; TYLER HENDRY;
KIRTIS RANESBOTTOM,**

Plaintiffs,

v.

**CITY OF EUGENE; SARAH
MEDARY; WILLIAM SOLESBEE;
SAMUEL STOTTS; BO RANKIN;
TRAVIS PALKI; MICHAEL CASEY;
ANTHONY VIOTTO; RYAN
UNDERWOOD,**

Defendants.

No. 6:20-cv-01265-MK

ORDER

AIKEN, District Judge.

This case comes before the Court on a Findings and Recommendation filed by Magistrate Judge Mustafa Kasubhai on July 20, 2021. ECF No. 58. Judge Kasubhai

recommends that Plaintiff Kelsie Leith-Bowden's Motion for Attorney Fees, ECF No. 31, be GRANTED in part and DENIED in part.

Under the Federal Magistrates Act, the Court may "accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1). If a party files objections to a magistrate judge's findings and recommendations, "the court shall make a *de novo* determination of those portions of the report or specified proposed findings or recommendations to which objection is made." *Id.*; Fed. R. Civ. P. 72(b)(3).

For those portions of a magistrate judge's findings and recommendations to which neither party has objected, the Act does not prescribe any standard of review. *See Thomas v. Arn*, 474 U.S. 140, 152 (1985) ("There is no indication that Congress, in enacting [the Act], intended to require a district judge to review a magistrate's report to which no objections are filed."). Although no review is required in the absence of objections, the Magistrates Act "does not preclude further review by the district judge[] *sua sponte* . . . under a *de novo* or any other standard." *Id.* at 154. The Advisory Committee Notes to Fed. R. Civ. P. 72(b) recommend that "[w]hen no timely objection is filed," the court should review the recommendation for "clear error on the face of the record."

In this case, Defendant City of Eugene has filed Objections, ECF No. 60, and Leith-Bowden has filed a Response to the City's Objections, ECF No. 61. The Court has reviewed the record and the disputed portions of the F&R and finds no error. The Court concurs with Judge Kasubhai's conclusions with respect to both the hours

claimed by Plaintiff's attorneys and the rate claimed by Plaintiff's counsel, Marianne Dugan. The F&R, ECF No. 58, is therefore ADOPTED. Plaintiff Leith-Bowden's Motion for Attorney Fees, ECF No. 31, is GRANTED in part and DENIED in part as set forth by Judge Kasubhai in the F&R. Plaintiff is awarded attorney fees in the amount of \$58,741.05 and costs in the amount of \$400.

It is so ORDERED and DATED this 1st day of September 2021.

/s/Ann Aiken
ANN AIKEN
United States District Judge